REMARKS

[0001]   Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-27 are presently pending. Claims amended herein are 1, 4, 8-11, 19, 20, and 22-27. Claims withdrawn or cancelled herein are 2, 3, and 16-18. New claims added herein are 28.

Formal Request for an Interview

[0002]   If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0003]   Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments and Additions

[0004]   Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 4, 8-11, 19, 20, and 22-27 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the

claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

[0005] Claims 1 is amended to include subject matter from dependent claims 2, 3, and 16-18.

[0006] Furthermore, Applicant adds new claim 28 herein, which is directed towards a method implemented by an exemplary on-demand server. This new claim is fully supported by Application and therefore do not constitute new matter.

[0007] New claim 28 is allowable over the cited references for at least the reason that the references do not disclose, teach, or suggest generating metadata comprising business rules associated with the advertisement.

Substantive Matters

Claim Rejections under § 102 and § 103

[0008] Claims 1-27 are rejected under 35 U.S.C. § 102 and § 103. In light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0009] Specifically, as amended, claim 1 recites:

A method implemented by a client device, the method comprising:

receiving, by the client device, a user request to record a television program that is scheduled for broadcast;

recording, by the client device, the television program, when the television program is broadcast;

maintaining, by the client device, an advertisement associated with the television program, wherein the advertisement is maintained independently of the recorded television program;

receiving, by the client device, a user request to render the recorded television program;

identifying the advertisement associated with the recorded television program; and

rendering the advertisement in conjunction with rendering the recorded television program.

[0010] In contrast, Walker describes transmission of an advertisement along with the program content by a head end source. Walker does not discuss

at least the following features, which, according to claim 1, are implemented by a client device:

maintaining, by the client device, an advertisement associated with the television program, wherein the advertisement is maintained independently of the recorded television program;

rendering the advertisement in conjunction with rendering the recorded television program

[0011]   Claim 19, as amended, recites:
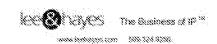
A system comprising:

a processor;

a memory; and

an ad targeting application stored in the memory and executed on the processor, the ad targeting application configured to perform a method comprising:

receiving, from a recording device, data identifying a broadcast television program scheduled to be recorded on the recording device;

identifying an advertisement to be associated with the broadcast television program; and

causing the advertisement to be transmitted to the recording device separately from the broadcast television program, whereby the advertisement is maintained by the recording device separate from the broadcast television program.

[0012] In contrast, Sie and Walker teach a server implemented system wherein programs and advertisement are associated and *broadcast together* to a viewing device.

[0013] Regarding the claimed, "causing the advertisement to be transmitted to the recording device separately from the broadcast television program," neither Sie, Walker, nor the combination thereof teaches the transmission of a program and advertisement to a client recording device *separately* for maintenance thereof.

[0014] Claim 22, as amended, recites:

One or more computer-readable media comprising computer-readable instructions which, when executed, cause a computer system to perform a method comprising:
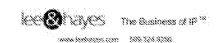
receiving a user request to record a broadcast television program;

transmitting data identifying the broadcast television program to a server system;

receiving from the server system, an advertisement associated with the broadcast television program, wherein the advertisement is received from the server system, separately from the broadcast television program; and

maintaining the advertisement on the computer system for subsequent presentation in conjunction with a recorded copy of the broadcast television program, wherein the advertisement is maintained separate from the recorded copy of the broadcast television program.

[0015]   In contrast, the combination of Sie and Walker teaches association of an advertisement with a program by a head-end (server system) that subsequently transmits the advertisement and program as a single stream to the viewing device.   Transmission of a single stream that includes content and advertisements does not teach or suggest sending an advertisement "separately from the broadcast television program," as recited in the claim.

[0016]   Claim 26, as amended, recites (in part):

> causing the advertisement to be transmitted to the client device, independent of the broadcast television program.

[0017]   As discussed above, neither Sie, Walker, nor the combination thereof teaches the separate transmission of a broadcast television program and an advertisement
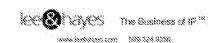
[0018]   Claim 28 recites (in part):

> causing the advertisement to be transmitted to the client device, independently from a transmission of the on-demand media content;
> causing the metadata to be transmitted to the client device, independently from a transmission of the on-demand media content;

[0019]   As discussed above, the cited references do not teach or suggest these elements. With specific reference to claim 28, neither Sie, Walker, Paxton, nor the combination thereof teach or suggest separate transmission of a broadcast television program and an advertisement.

Conclusion

[0020]   Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.   If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**. Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

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